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SUMMARY RECORD OF THE 12th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 13 August 1997, at 10 a.m.

Chairman: Mr. BENGOA

CONTENTS

THE REALIZATION OF ECONOMIC, SOCIAL AND CULTURAL RIGHTS:

(a) THE INTERNATIONAL ECONOMIC ORDER AND THE PROMOTION OF HUMAN RIGHTS

(b) THE REALIZATION OF THE RIGHT TO DEVELOPMENT

(c) THE QUESTION OF TRANSNATIONAL CORPORATIONS

(d) THE REALIZATION OF THE RIGHT TO EDUCATION, INCLUDING EDUCATION IN HUMAN RIGHTS (continued)

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The meeting was called to order at 10.30 a.m.

THE REALIZATION OF ECONOMIC, SOCIAL AND CULTURAL RIGHTS:

(a) THE INTERNATIONAL ECONOMIC ORDER AND THE PROMOTION OF HUMAN RIGHTS

(b) THE REALIZATION OF THE RIGHT TO DEVELOPMENT

(c) THE QUESTION OF TRANSNATIONAL CORPORATIONS

(d) THE REALIZATION OF THE RIGHT TO EDUCATION, INCLUDING EDUCATION IN HUMAN RIGHTS

(agenda item 4) (continued) (E/CN.4/Sub.2/1997/7 and 8; E/CN.4/Sub.2/1997/NGO/1 and 5)

1. Mr. GUISSÉ, Special Rapporteur on the question of the impunity of perpetrators of human rights violations (economic, social and cultural rights), introducing his final report (E/CN.4/Sub.2/1997/8), pointed out that the finalization of the report did not mean that the issues raised in it had been resolved, or even that every possible aspect of the subject had been raised. The first topic addressed concerned the juridical status and enforceability of economic, social and cultural rights, and possible remedies for harm caused. The section entitled "Preliminary Considerations" presented a non-exhaustive list of international legal instruments, and recalled the obligations of States to observe, protect and, where necessary, restore those rights. Some States had taken legislative measures, incorporating the relevant international standards, specifically to deal with impunity; such measures should guide international efforts to provide a legal basis for the protection of economic, social and cultural rights.

2. The second section of the report identified as historical sources of unremedied gross violations of economic, social and cultural rights the practices of slavery, colonization, apartheid and the pillage of the cultural heritage of the Third World. Current sources identified were debt and structural adjustment programmes, which had led to extreme poverty and deteriorating health and educational services in some countries, embargoes, which hurt innocent members of the population while dictators and their regimes were unaffected, corruption and tax and customs fraud and other economic offences, especially negative activities carried out by transnational corporations.

3. The third section covered all those violations that had consequences for the economic, social and cultural rights of individuals as well as collective rights. If collective rights such as the rights to development and a healthy environment were violated, it was difficult or impossible to safeguard the enjoyment of any human rights, including the individual rights to health, education, work and adequate housing. The rights to development and a healthy environment were to economic, social and cultural rights what the right to peace was to civil and political rights.

4. In the fourth and most important part of the report, the campaign against impunity for perpetrators of violations of economic, social and cultural rights was considered in the context of preventive action and repressive and/or remedial action. Preventive action comprised all possible measures aimed at eliminating practices and procedures conducive to violations; the most important measure was the creation of a legal framework to protect and safeguard the enjoyment of those rights, which was primarily the responsibility of national legislators. Such a framework would take into account the realities of the situation in the country as well as international norms. Too often, States appeared not to live up to responsibilities they assumed when signing international treaties and conventions. If the law was not to remain at the level of intention, capable of being manipulated by dictators and unscrupulous persons, States must fulfil their international obligations. For the prevention of violations, which was of greater concern to victims than remedies or punishment, States must begin by adopting economic policies that were in the interests of their people and conformed to a just international economic order.

5. When violations did occur, repressive or remedial action must be taken. Impunity which might be tentatively defined as the absence or inadequacy of penalties and/or compensation for intentional or unintentional violations of economic, social and cultural rights or civil and political rights, implied failure, in the first place, on the part of law-enforcement services and the courts. To address the problem of impunity, it was necessary to determine who was responsible for the violations.

6. He indicated how recent developments in international jurisprudence allowed the State, as a legal entity, a group or an individual to be held responsible for gross violations of economic, social and cultural rights. Since the Nürnberg trials, individuals had to answer for their own actions when orders were manifestly unjust, and, under the Geneva Conventions, if a State did nothing to apprehend a group that violated those rights on its territory, it could be held responsible for the actions of tnat group.

7. A thorough list of possible remedies was provided in the report, including, for example, reinstatement in a job and financial compensation, but other remedies could also be envisaged if they were acceptable to the victim or the victim's family and to the international community that created the standard. The victims were considered to be the person or group of persons who had actually suffered the violation, and compensation should be made available to the victims or their close family. Compensation should be quantifiable and in proportion to the harm suffered; to determine proportionality required a subjective judgement, but that could be balanced by the relative objectivity of the international community.

8. He proposed, if the procedures of United Nations bodies permitted, to submit an addendum containing fuller information not available when the report was completed.

9. He pointed out that the suggestions and recommendations contained in the last section of the report, were not intended to address violations of economic, social and cultural rights in their totality, but only the question of impunity of the perpetrators of violations of those rights. The report

made the following suggestions: part of the debt and debt-servicing of States which had been colonized or whose people had been subjected to slavery could be cancelled; violations of economic, social and cultural rights could be declared international crimes subject to the principles of universal jurisdiction and imprescriptibility, and reforms of domestic and international legal systems could be proposed to States and international organizations and bodies to lead them to guarantee and protect those rights (universal jurisdiction was not to be confused with the limited jurisdiction of international organizations and bodies); an optional protocol for economic, social and cultural rights similar to that for civil and political rights could be drawn up; States that had not yet done so should ratify the International Labour Office conventions and recommendations concerning the rights to work, to social security and to secure and stable employment, and the international community and States should give serious consideration to holding a large-scale discussion on the adverse effects of embargoes and economic sanctions; more elaborate standards could be proposed to combat impunity in cases of corruption and fraud; and machinery for monitoring the management of public affairs could be established and States assisted to identify the mechanisms that permitted impunity.

10. The recommendations of the report were that a periodic high-level meeting should be organized to stimulate discussion of the question of the impunity of perpetrators of violations of economic, social and cultural rights, in association with institutions affiliated to the United Nations, and that non-governmental organizations (NGOs) should be encouraged to create a body for monitoring the implementation and protection of those rights.

11. He thanked all those colleagues and NGOs who had made significant contributions to the report, particularly the American Association of Jurists, the International Commission of Jurists, Pax Romana and the Centre Europe-Tiers Monde.

12. Mr. PARK, speaking on the realization of the right to development, said that the adoption of the Declaration on the Right to Development by the General Assembly in 1986 had marked an important milestone towards attaining the objective of the enjoyment of all human rights. The Declaration recognized that development was a comprehensive economic, social and cultural and political process aimed at improving the well-being of all and at the fair distribution of the benefits of development. The right to development was thus more than economic development alone. The Declaration proclaimed the right to development to be an inalienable human right, and stated that the human person was the central subject of development. It also stressed that States had the primary responsibility for the creation of national and international conditions favourable to the realization of the right to development and that States had the duty to cooperate with each other in ensuring development.

13. He recalled the efforts of the United Nations to implement the Declaration, beginning with the Global Consultation on the Realization of the Right to Development as a Human Right in 1990, that had reaffirmed the importance of democratic participation in development and recognized that development strategies oriented only towards economic growth had largely

failed to achieve social justice. In 1995, the Secretary-General had initiated the preparation of an agenda for development, to lay the foundations for a new consensus on development.

14. The Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights in 1993 had reaffirmed the right to development as a universal and inalienable right and an integral part of fundamental human rights. It had urged the prompt formulation of comprehensive and effective measures to eliminate obstacles to the implementation of the Declaration on the Right to Development and the identification of ways and means of realizing the right to development of all States. A mid-term review of the Vienna Declaration and Programme of Action was due in 1998, the fiftieth anniversary of the Universal Declaration of Human Rights. To mark the anniversary, some NGO groups and the International Council composed of former heads of Government hoped to see the adoption of a universal declaration of human responsibilities, upholding global ethics with a human dimension.

15. Since 1989, the Commission on Human Rights had regularly included the question of the realization of the right to development as a separate item on its agenda. An Intergovernmental Group of Experts on the subject had submitted a progress report to the Commission at its fifty-third session (E/CN.4/1997/22). Among the measures proposed was the drafting of a framework convention on the right to development and an active role for the High Commissioner for Human Rights, in accordance with General Assembly resolution A/RES/48/141, which had mandated the High Commissioner to promote the realization of the right to development and to enhance support from relevant United Nations bodies for the purpose. In pursuance of that resolution, the High Commissioner had held discussions with heads of State and Government and heads of international financial institutions and had restructured the Centre for Human Rights, creating a Research and Right to Development Branch.

16. The international community was still far from realizing the right to development. Obstacles to its realization included the global, multidimensional and integrated character of development, involving progress in peace, economic growth, social justice and democracy, national and regional particularities and diverse historical, cultural and religious backgrounds, inadequate dissemination of the Declaration on the Right to Development and inadequate incorporation of the right to development in bilateral and multilateral cooperation programmes and the activities of international organizations concerned with development. There was also a widening gap between the urgent need to address such obstacles and the half-hearted response of the international community. Effective development policies at the national level must be combined with equitable economic relations and favourable economic conditions at the international level.

17. According to the Administrator of the United Nations Development Programme (UNDP), the income disparity between the richest 20 per cent and the poorest 20 per cent of the world population had more than doubled in 30 years and 1.6 billion people in more than 100 countries were worse off than 15 years previously. The poorest were still deprived of such basic rights as food, clothing, employment, education, health services and a healthy environment.

According to the 1997 report of UNDP, a quarter of the world's population still lived in severe poverty, a situation which it blamed on inexcusable failures of national and international policy.

18. The Sub-Commission should be prepared to undertake studies relating to the right to development on its own initiative as in the past. He suggested that the impact of economic globalization on the realization of the right to development should be included in a future study programme.

19. The Sub-Commission should devise an appropriate mechanism to follow up resolution 1996/22 so that it could review and analyse information received annually through the Secretary-General and make recommendations on how to realize the right to development in the context of the United Nations Decade for the Elimination of Poverty.

20. Lastly, the Sub-Commission should be willing to perform any task assigned to it by the Commission following its consideration of the second report of the Intergovernmental Group of Experts at its fifty-fourth session in 1998.

21. Mr. MEHEDI, speaking on agenda item 4 (d), the realization of the right to education, including education in human rights, said that he was pleased at the rewording of the sub-item since member States' reports to the United Nations Educational, Scientific and Cultural Organization (UNESCO), the United Nations Children's Fund (UNICEF) and the Centre for Human Rights indicated that there was some confusion as to the distinction between the right to education and human rights education.

22. The right to education implied, first and foremost, reducing illiteracy ratios in the developing countries. Paul Hugon, an eminent expert in educational science, reviewing educational development in those countries since independence, had said that investment in education was a necessary but insufficient precondition for economic development. It could play a dynamic role, increasing productivity, promoting innovation and spreading information, but it must also be relevant to the social, cultural and economic environment. Mere book knowledge was quickly lost, leading to illiteracy through disuse and hence a form of brain drain. In many African countries, schools had inculcated ideology instead of providing useful skills, giving memorization precedence over know-how. The failure of education to cater for the demands of the labour market coupled with the population explosion had led to high rates of unemployment. Structural adjustment programmes designed to bring about rapid change based on market forces frustrated attempts at educational planning based on demand for labour. They led to a decline in school enrolment ratios, particularly among vulnerable groups.

23. It was essential to establish a set of educational aims, giving priority to activities that had an immediate impact on poverty while at the same time training a corps of scientific and technical specialists.

24. The lack of country studies on illiteracy showed the lack of interest in the subject despite warnings by UNESCO, UNICEF and others. Population control and the reduction of infant and child mortality rates called for high literacy

ratios among women. Illiteracy was also the cause of serious accidents in the workplace. Its eradication was interlinked with the fight against poverty and recognition of the worth of intellectual and scientific work.

25. Human rights teaching had two dimensions in the Universal Declaration of Human Rights. The preamble stated that every individual and organ of society must strive by teaching and education to promote respect for human rights and fundamental freedoms. Article 26 added that education should be directed to the full development of the human personality and the strengthening of respect for human rights and fundamental freedoms. The Economic and Social Council, in resolution 314/XI of 1950, the Tehran International Conference on Human Rights of 1968 and the Commission on Human Rights in 1971 had encouraged UNESCO to play a prominent role in the promotion of human rights teaching at all levels of education and through the press, radio and cinema. UNESCO had published the first teaching aid, entitled The Universal Declaration of Human Rights and translated into eight languages, in 1951, following it up with an impressive list of publications on human rights teaching. Its member States were encouraged to exchange textbooks, particularly on history and geography, in order to ensure that they were accurate, impartial and up to date and contributed to the mutual understanding of peoples. At its twenty-third session in 1985, the General Conference of UNESCO had instituted a reporting system on measures taken by Member States to implement the 1974 Recommendation concerning Education for International Understanding, Cooperation and Peace and Education relating to Human Rights and Fundamental Freedoms. The first synthesis of national reports showing the results and difficulties in providing education on cooperation, the promotion of peace and human rights was presented to the UNESCO General Conference in 1989 and the matter was periodically discussed by UNESCO's Advisory Committee.

26. The International Congress on Human Rights Teaching, Information and Documentation had been held in Vienna in 1978. For the first time some 100 educators, experts and human rights activists had met to discuss human rights education. The final document of the Congress, stressing the indivisibility of human rights, had stated that human rights education should be based on the Charter of the United Nations, the Universal Declaration of Human Rights and other international human rights instruments. The aim of such education should be tolerance, respect and solidarity and the translation of those concepts into reality. The Congress had recommended the establishment of a five-year plan, a preliminary study of the issue - culminating in the elaboration of a convention by UNESCO - and the establishment of a voluntary fund to help human rights education. The follow-up meeting in 1979 had adopted a number of measures along those lines and a voluntary fund had been set up. Another meeting, in Malta in 1987, had stressed the importance of audio-visual material in human rights education, as well as the need for a broader exchange of information and techniques. The International Congress on Education for Human Rights and Democracy in 1993 had considered progress made since 1978 and analysed the difficulties involved in human rights education, taking into account the democratic changes that had taken place throughout the world and stressing the close links between human rights, democracy and peace.

27. A number of university posts had been created for research and training in human rights education. Special courses and programmes were organized and

research results were shared with teachers at national and regional level. Advice was also provided for international governmental or non-governmental institutions. Over 50 holders of Chairs in human rights studies had recently met in Paris to celebrate the results of the initiative. He drew attention to one example of the scheme: the UNESCO Chair in human rights, democracy and peace set up in March 1994 at the University of Oran in Morocco. It carried out research into measures that could be taken for the promotion of human rights education and investigated the degree of conformity between national and international legal standards. The Universal Declaration of Human Rights had been translated into Arabic to ensure its wider dissemination and instruction had been given to lawyers, parliamentarians and religious groups. Symposia were held and courses of instruction in humanitarian law had been given to some army officers.

28. Lastly, the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights, had stated that human rights education was essential for the promotion and achievement of stable and harmonious relations among communities. The United Nations Decade for Human Rights Education had commenced in 1995 and such education was one of the main responsibilities of the United Nations High Commissioner for Human Rights. Success, however, depended on the political will of States and on NGOs concerned with human rights playing their full part. He hoped that the Sub-Commission would continue its involvement with the issue, at least for the rest of the decade.

29. Mr. EIDE said that Mr. Guissé had made an important contribution to the discourse on the relationship between human rights and global economic processes. He endorsed many of his recommendations. It was unfortunate that a dispute had recently arisen over the desirable content of human rights. Following the annual meeting of the Association of South East Asian Nations, Malaysia had suggested that there should be a review of the Charter of the United Nations in order to achieve a better balance between human rights and economic, social and cultural rights, which were just as important. He agreed on the need for a better balance, but United Nations standards did not have to be reviewed in order for that to be achieved. The ingredients were all there; the task was to ensure that economic, social and cultural rights were taken more fully into account in practice. The Sub-Commission had made its contribution by carrying out several studies on such rights (the right to food, the general study on economic, social and cultural rights, the right to housing, Mr. Guissé's study and the study on the impact of income distribution on human rights, particularly economic and social rights).

30. It was worth reviewing the historical process behind the current system in order to show that the normative balance had existed from the outset but that, for political reasons, some rights had been neglected. The normative guide to international relations and global policies was the Charter of the United Nations, which was legally binding on all member States (and nearly all independent States were currently members). Article 1.3 set out the aim of achieving "international cooperation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion". The implementation of those purposes was regulated under Article 56, in which Members pledged to take joint and separate action in cooperation with the

United Nations for the achievement of the more detailed purposes set forth in Article 55, namely to create the "conditions of stability and well-being which are necessary for peaceful and friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples". The United Nations should promote: "(a) higher standards of living, full employment, and conditions of economic and social progress and development; (b) solutions of international economic, social, health, and related problems; and international cultural and educational cooperation; and (c) universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion."

31. The eradication of poverty, and the need to ensure that women benefited equally with men from economic change, had over the years come to be seen as a primary goal of development. With the growing concern at the environmental impact of economic activities in the late 1980s, the composite notion of sustainable development had been introduced. By the early 1990s the understanding that the human being had to be treated as the subject rather than the object of development had led to the introduction by the UNDP of the notion of human development. By 1994 the two concerns had been merged in the concept of sustainable human development. The international community had only recently started to link the promotion of human rights and the advancement of development. In 1986 the United Nations General Assembly had adopted the Declaration on the Right to Development, the genesis of which was to be found in article 28 of the Universal Declaration of Human Rights, which stated that "Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized." With regard to the social order, the Declaration on the Right to Development stated, in article 8.1, that "States should undertake, at the national level, all necessary measures for the realization of the right to development and shall ensure, inter alia, equality of opportunity for all in their access to basic resources, education, health services, food, housing, employment and the fair distribution of income." As for the entitlement to an international order, article 3.3 of the Declaration provided that "States have the duty to cooperate with each other in ensuring development and eliminating obstacles to development", while under article 4 "States have the duty to take steps, individually and collectively, to formulate international development policies with a view to facilitating the full realization of the right to development." There were, however, formidable obstacles to realizing the link between human rights and development, including various trends in international economic policies and the gradual weakening of the role of the State in ensuring the satisfaction of human needs.

32. As the history of human rights had evolved, safeguards had been sought for three aspects of existence: human integrity, freedom and equality. The dignity of every human being was axiomatic. The idealistic assertion of vague principles had given way to the adoption of a comprehensive normative system, with a wide range of specific rights and some corresponding obligations on States. The British social scientist, T. S. Marshall, had held that civil rights had been the great achievement of the eighteenth century, political rights of the nineteenth century and social rights of the twentieth. The modern phase of the evolution began with the Universal Declaration of Human Rights in 1948. The then Government of the United States and other Western States had emphasized the need for economic and social rights

alongside civil and political rights. In 1941 President Roosevelt had included freedom from want as one of the "four freedoms". Later he had advocated the adoption of an "economic bill of rights", since individual freedom could not exist without economic security and independence. The great contribution of the Universal Declaration of Human Rights was that it extended human rights to embrace the whole range of human rights, interrelating and mutually reinforcing them. The widespread unemployment between the two World Wars and the emergence of totalitarian regimes had underlined the need for basic economic and social rights for all. That remained relevant, in view of the escalating unemployment, increasing poverty and growing disparities in income in both the Third World and in Central and Eastern Europe. The efficiency of international mechanisms should therefore be increased and it might be necessary to develop new ones.

33. Economic, social and cultural rights were three interrelated components of a more comprehensive package. At the core of social rights was the right to an adequate standard of living, including adequate food and nutrition, clothing, housing and the necessary conditions of care. In order to enjoy social rights, there was a need to enjoy certain economic rights, too, including the right to property, the right to work and the right to social security. There was also the right to education.

34. The Plan of Action adopted at the World Food Summit in 1996 had included a call to Governments and others to make every effort to implement article 11 of the International Covenant on Economic, Social and Cultural Rights and other instruments relating to food and nutrition. Those who had not yet become parties to the Covenant had been urged to do so. The appropriate specialized agencies had also been called upon to contribute to a coordinated follow-up by the United Nations system to the realization of the right to food worldwide. Some had taken up the challenge, such as the Food and Agriculture Organization (FAO) and the Subcommittee on Nutrition of the United Nations Administrative Committee on Coordination. The Commission had adopted a resolution on the right to food (1997/8) and the Committee on Economic, Social and Cultural Rights would discuss the matter at its next session. The World Food Summit had also invited the United Nations High Commissioner for Human Rights, together with the relevant bodies, to define more precisely the right to food and, most importantly, to propose ways to implement those rights. He was sure that the incoming High Commissioner, whose people had suffered in the nineteenth century, when the right to food had not been respected, would take the matter to her heart. Similar disasters could and should be prevented in the future. He was encouraged that for the first time there was a significant rapprochement between the human rights bodies of the United Nations and those bodies charged with promoting economic and social development. It was a historic opportunity to substantiate the Charter of the United Nations, not to rewrite it. The right to food was instructive in several ways. More than any of the other so-called basic needs, food impinged on the needs of the collective for economic and social development, on the need to protect an individual household's entitlement to land or income for access to food and, above all, on the individual's right to health through the enjoyment of adequate nutritional standards. It was for that reason that the right to food, and the corresponding obligation on States, should be made sufficiently precise and clear. The climate of opinion had changed in the United Nations and in many government development circles over the past 10 years.

Receptivity and interest was growing. He especially commended some Latin American States, led by Chile and Venezuela, which had arranged a conference in Caracas to precede the World Food Summit. He reiterated that the United Nations remained the only instrument by which a just world order could be achieved; it was the only defence against the hegemonical processes of globalization and any further steps towards starving it and its institutions should therefore be opposed.

35. Mr. PAPY (Indigenous World Association) said that the much-vaunted "new economic order" was nothing but the old colonial order resuscitated in a new form in the post-industrial era. The new order imposed on poor and weak countries by the major economic and military Powers, through the World Bank, the International Monetary Fund and the international development agencies, advocated liberalization of external trade, devaluation, financial deregulation, liberalization of prices, wage freezes, reductions in education and health budgets, privatization of State enterprises, and the transfer of fabulous wealth from poor countries to rich countries to service their external debt. Under the new economic order, based on the law of the strongest in international relations, all peoples and nations other than socialist Cuba had succumbed to the market economy, in which voracious fish mercilessly devoured smaller fish, and historical communities were doomed to cultural extinction and fated to live under the economic dictatorship of the transnational corporations, truly States within States.

36. That dominant economic thinking was incompatible with the spirit of the Charter of the United Nations, which urged international cooperation based on respect for the principle of equal rights. The new order conflicted with the free and sovereign development of peoples, for the neo-liberal orthodoxy saw the integral development of humankind and society in the anarchical and irrational play of blind market forces. In clear defiance of legitimate aspirations for social justice, the new order was in fact a generalized disorder, reflected in the irresistible trend towards globalization of the economy, concentration of markets, illicit appropriation of colossal wealth by the dominant elites, mergers between ever more powerful monopolies, imposition of uniformity on cultural diversity, and the death knell for the capacity to dream of a better and fairer world.

37. According to the Declaration on the Right to Development and the Vienna Programme of Action, that right was inalienable, universal, indivisible and an integral part of all fundamental rights. However, despite the wishes of the international community, in recent decades economic agents and international financial institutions had given the concept of development a purely economic twist, seeing it purely in terms of production and consumption. Economists had defined a country's rate of economic growth mathematically and statistically, using indicators such as annual percentages of gross domestic product and average income, and overlooking other basic parameters such as extreme poverty, life expectancy, illiteracy and infant mortality. Yet, as Mr. Leandro Despouy, the Commission's Special Rapporteur on the question of human rights and extreme poverty, had pointed out, growth must be measured in qualitative as well as quantitative terms. Development and economic growth should be measured in terms of fair and equitable distribution of the wealth generated by the labour force, and their goal should be the satisfaction of humankind's material and spiritual needs.

38. In societies based on frenzied competition, an insatiable quest for profit and trade wars, epitomized by the "mad cow disease" crisis in Europe, extreme poverty had been digging a grave for entire generations. Only the Inca civilization had been founded on the principle: "To each according to his work, and from each according to his capacity." Of the estimated 1 billion persons living in poverty, 60 per cent, or 20 per cent of the world's population, lived in extreme poverty. Two hundred million children slept in the streets, 100 million children under 13 years of age were obliged to work for their livelihood, and 25,000 children died of hunger and disease every day. The plight of children was particularly grim in Latin America. The final declaration of the Second Regional Conference on Poverty, held in Quito, Ecuador, in 1990, had estimated that 62 per cent of the region's population lived in poverty, while fewer than 5 per cent consumed 50 per cent of its income.

39. Transnational corporations were invisible entities with infinite power to transform the face of the world. According to a report of the Commission on Transnational Corporations, in 1990 there had been 37,000 such corporations in the industrial world, controlling 200,000 affiliates. Ninety per cent of those corporations had their headquarters in the United States of America, Japan and Western Europe - highly industrialized States that had divided up the world, seizing on the wealth and vital means of subsistence provided by Mother Earth. Since the 1970s the international community had endeavoured to draw up a code of conduct to regulate the multinationals' anarchic conduct. After long negotiations and in the absence of consensus, in 1992 governmental delegations had decided to abandon the debate on one of industrial civilization's most burning problems. Once again, the neo-liberal laissez-faire model that reflected the West's economic and strategic interests had imposed itself on the international community's political will. It was imperative to establish an international legal framework to regulate the activities of transnationals, promoting rational exploitation of natural and human resources in the host countries. His organization urged the Sub-Commission to recommend the higher bodies to re-establish the United Nations Centre on Transnational Corporations, which had been abolished under the restructuring programme, with the mandate to continue the elaboration of a legal framework to regulate a development process the effects of which were dehumanizing.

40. Mr. SAMOURA (African Commission of Health and Human Rights Promoters) said that a glance at the human development indicators revealed that the 10 challenges facing the planet, among them education, health, freedom, conflicts and refugees, were all relevant to Africa. Yet Africa was a gigantic provider of raw materials: not just cocoa, tea and coffee, but also petroleum, ores, rare woods, fish, fruit, vegetables, and even flowers - as well as its facilities for tourism. As whole populations grew poorer, the time had come to stop selling that wealth off cheap. Not just Africa, but the whole developing world, suffered. The selling off of the poor countries' resources damaged production in the rich countries, and low commodity prices led to their rapid depletion, pollution, and irreparable harm to the environment. More balanced and rational economic approaches must be found.

41. The United Nations General Assembly had long been drawing attention to an unjust international economic order. It was now incumbent on the

United Nations, and particularly the Sub-Commission, to seek rational solutions. His organization's activity took as its starting point the fact that historically, the development of each people's resources, respect for the rights of individuals and communities, and peaceful coexistence between them had been secured by means of local mechanisms that made use of all available endogenous human, material and cultural resources. Now, in parallel with the introduction of a fairer world economic order, those local mechanisms, which relied on old realities, should be strengthened.

42. The situation prevailing in many African countries required action to re-establish those balances and support their peoples. An analysis of political and civil conflicts showed the destabilizing effect of the economic, cultural and political weakening of those populations, and the political polarization to which it led. Thus, the right to development of whole population groups was infringed in Mauritania and other African States where policies of economic, social and cultural favouritism were applied. Under a land reform scheme being applied in Mauritania, peasants' land was being handed over to agro-industrial enterprises. Since the 1980s almost 200,000 Mauritanians had been driven from their homes and land in the south of the country and had sought refuge in Senegal and Mali. Traditional and contemporary forms of slavery had three times been abolished, most recently by an Act of 1980; however, as no back-up measures had been taken, the country's 700,000 serfs and slaves were obliged to compensate their masters in order to gain their freedom. The fact that only one of the four national languages recognized by the Mauritanian Constitution had official status resulted in discrimination in education, the administration of justice and citizens' daily lives.

43. The recent introduction of multi-party systems in many African countries had done nothing to alleviate the inequalities between the various national communities. His organization urged African Governments to take back-up measures to ensure the effective application of thorough and genuine reforms that would benefit all their citizens. It also urged them to comply with the international instruments concerning the right to development and to respect the Universal Declaration of Human Rights by immediately pursuing policies to promote real equality of opportunity among population groups, so as to help prevent major conflicts into which all the regions of Africa might be drawn. Lastly, it drew the Sub-Commission's attention to the social effects of the structural adjustment policies imposed by the international financial institutions, the debt burden, capital flight, corruption and nepotism. As the international community now acknowledged that there was a link between peace, justice and development, effective means must be found of realizing the various African communities' right to development.

44. Mr. FERNANDEZ (International Organization for the Development of Freedom of Education - OIDEL) said that his organization wholeheartedly welcomed the fact that the Sub-Commission had at last included realization of the right to education and education in human rights on its agenda. While it had become commonplace to stress the importance of the right to education in human development, the priority Governments claimed to accord to education was not matched by the percentage of their budgets allocated to it. The Sub-Commission was taking up an issue which had until now been dealt with by UNESCO, but seldom from the standpoint of human rights. Yet education was

first and foremost a human right. OIDEL therefore hoped that it would now be possible to appoint a special rapporteur on the right to education, including education in human rights. His organization also considered that a holistic approach to the right to education and education in human rights would facilitate a correct analysis of those two closely interrelated questions.

45. His organization hoped that the Sub-Commission would start by analysing the many international instruments referring to that right, so as to determine its precise content. OIDEL had recently published a compilation of 41 international texts emanating from the United Nations, regional institutions and NGOs, that might be of use in that regard. Next, the two core elements of the right to education, namely, the "social" dimension and the "freedom" dimension, should be considered, along with States' obligations to respect, protect and fully realize that right, on the basis of the Limburg and Maastricht Principles. The work of OIDEL and Entraide Universitaire Mondiale on the content of educational rights might again serve as a useful starting point.

46. A study of the right to education should also stress the cultural nature of that right, along the lines of the work done by the Fribourg Group in collaboration with UNESCO and the Council of Europe; for education was essentially a vehicle for the transmission of culture, and thus of identity. Nor should the economic dimension be overlooked. It must be clearly shown that without adequate public financing, the right to education could never be guaranteed. The innovative approach proposed by UNESCO, whereby education was seen, not as an expenditure item, but as an investment, should also be explored. Public financing should not, however, be used to justify a State monopoly on education that would be incompatible with the "liberty" dimension of that right.

47. The study should also analyse the objectives of education, taking due account of its aims of personal development and socialization; it should not lose sight of the priorities the Sub-Commission had set itself, namely, the rights of ethnic, religious and cultural minorities and the rights of indigenous peoples. Last but not least, it should place the role of education in human rights in the overall context of the right to education, and should show how a genuine culture of human rights could be constructed as an extension of the various cultural and religious traditions.

48. Mr. SHARAFEDDIN (International Organization for the Elimination of All Forms of Racial Discrimination) said that, although the theories of Malthus had been proved to be much exaggerated, a dramatic increase in the population of the Third World had led to increased povert, and a vicious cycle of backwardness, anarchy and maladministration, with Third World incomes falling to less than one twentieth of those in the developed countries. That situation had led to unrest, violence and terrorism which worsened day by day. The ultimate outcome would be disastrous, especially now that terrorists reduced to despair by the oppression they had endured had access to atomic weaponry. Idealism and good intentions alone could not address economic crises, regional conflicts and famine: responsible political will on the part of decision makers and the resources of the developed countries, atoning for the results of their previous colonial policies, were also required.

49. Unequal international income distribution was neither right nor inevitable. Nor was there any justification for continuing sanctions that had devastated Iraq's infrastructure for almost seven years, and those of the Libyan Arab Jamahiriya for almost five years, despite both countries' compliance with the conditions imposed on them by the Security Council. The international community, so readily exercised by isolated incidents involving individuals, should be proportionately less willing to tolerate the ongoing torment of 18 million guiltless Iraqis who had been deprived of their sources of livelihood. Such destruction of a nation's basic economic, educational and cultural structures was a disgrace at the dawn of the twenty-first century. As the people of Iraq had complied with the relevant Security Council resolutions, any further application of the sanctions imposed upon them could only be politically motivated. United Nations bodies must be wary of those who sought to use them as a tool with which to further their ulterior motives. It would be a true disaster if international public opinion were to lose faith in the United Nations system.

50. Responsibility for realizing humanity's dream of right, good and justice lay with the powerful - those who had attained high levels of scientific and technological progress. They had a duty to assist their fellow men and women in attaining the same levels. The idea of denying the Third World technology and modern scientific knowledge was thus a dangerous one, which could recoil on the Western world in the long run. The aid accorded had been mischannelled: what the Third World needed was neither food - which would be eaten by the strongest; nor arms - which tyrants would use to oppress the weaker. What it needed was the means to grow and make progress, and that aim could be realized only through education. The aid offered by developed countries to developing countries should be greatly increased, and should be rechannelled into the construction of schools, educational establishments and universities, enabling the youth of the developing world to extract their countries' wealth for the benefit of the entire international community.

The meeting rose at 1.05 p.m.